

RULES OF THE 2005 CHARTER COMMISSION  
CITY AND COUNTY OF HONOLULU

RULE 1. QUORUM

The quorum required for the Commission to hold meetings shall be fixed at seven members, the majority of the entire Commission.

RULE 2. VOTING: RULE OF THE MAJORITY

- a. Procedural matters, requests for information, and internal Commission matters shall require the approval of a majority vote of those present at any meeting. Voting on the initial review of proposed charter amendments for further consideration shall be considered a procedural matter under this Rule.
- b. Matters of substance, including all votes other than the initial vote on any proposed charter amendments, shall require the approval of seven members of the Commission. Proposed charter changes require a minimum of two reviews, adoption and/or approvals of the Commission as set forth in Rule 4 before inclusion on the general election ballot.
- c. Each member shall have one vote. No votes by proxy shall be permitted.
- d. Any member can vote on a pending motion and participate in discussion on every debatable motion before it is finally acted upon. The holding of an office on the Commission shall not disqualify the member from making motions, participating in debate, or voting.
- e. Voting shall be by voice or by show of hands. A roll call vote shall be required when requested by at least three members.

*[Rule 2 revised at Commission meeting held on 1/10/06]*

RULE 3. PROPOSED AMENDMENTS TO THE CHARTER; FORM;  
STATEMENT OF PURPOSE

A charter amendment proposal shall be prepared on the attached form and shall include the following information:

- a) A brief description of the purpose of the proposal and of the problem being addressed by the proposal;
- b) If applicable, the citation of the charter provision(s) proposed to be deleted or amended;
- c) If the proposal is based on a provision or provisions in the charter or laws of another jurisdiction, the name of the jurisdiction and, if possible, a copy of the relevant provision(s) attached to the proposal;
- d) Copies of other written materials supporting the proposal, if relevant; and
- e) The text of the proposed charter amendment in the Ramseyer format.

**RULE 3a. PROPOSED AMENDMENTS TO THE CHARTER; TIMING OF ACCEPTANCE OF PROPOSALS**

The Commission wishes to obtain input and ideas from the public and all interested parties, and therefore shall establish an open period for acceptance of proposed amendments from the general public, agencies and any other parties, in the form set forth in Rule 3 above. In order to ensure ample time to consider all proposed amendments, proposed amendments must be submitted to the Commission by October 31, 2005. Any proposed amendments submitted after October 31, 2005, may be considered by the Commission only upon approval by a “supermajority” of nine or more Commissioners. However, notwithstanding the foregoing, the Commission will not consider any proposed amendments submitted within 30 days of the Commission's first scheduled public hearing on the proposed charter amendments, or any other deadline which may be set by the Commission, whichever is earlier.

*[Rule 3a adopted at Commission meeting held on 7/12/05]*

**RULE 3b. PROPOSED AMENDMENTS TO THE CHARTER; PROPOSALS SUBMITTED BY COMMISSIONERS**

Charter amendment proposals submitted by Commissioners shall include the name of the Commissioner submitting the proposal. Commissioners who have submitted charter amendment proposals prior to the adoption of this Rule 3b without the inclusion of their name, shall disclose their

identity as the submitter of the proposal at or before the first Commission meeting when their proposal is on the meeting agenda of the Commission.

*[Rule 3b adopted at Commission meeting held on 11/14/05]*

**RULE 4. PROCEDURES FOR THE CONSIDERATION AND ADOPTION OR APPROVAL OF PROPOSED AMENDMENTS TO THE CHARTER**

The following procedures shall be followed in the consideration and adoption or approval of the proposals for the amendment of the charter:

- a. Introduction of the proposal(s) for the amendment of the charter for consideration by the Commission;
- b. Upon adoption or approval of the proposal(s) by the Commission, the proposal(s) shall be referred to the Committee on Style;
- c. Consideration and report on the proposal(s) by the Committee on Style to the Commission;
- d. Consideration of the report of the Committee on Style by the Commission;
- e. Upon adoption or approval of the report of the Committee on Style, the Commission shall refer the proposal(s) to legal counsel for recommendations regarding the legality and compliance with statutes and superior laws and may refer the proposal(s) to appropriate agencies, organizations or persons for their recommendations regarding the proposed amendment;
- f. Upon receipt of the recommendations of legal counsel and/or the appropriate agencies, organizations or persons to which the proposal(s) have been referred, the Commission may reconsider the proposal(s) and make such substantive and/or legal changes to the proposal(s) as it may deem necessary;
- g. Upon reconsideration and/or adoption or approval of substantive and/or legal changes to the proposal(s) by the Commission, the proposal(s) shall be referred to the Committee on Style for further consideration and/or report on the final and proper arrangement and order of the proposed amendments; and
- h. After all proposals to amend the Charter have been disposed of, the Commission will review all proposals that have been tentatively approved. The Commission will consider each proposal on its

merits paying attention to the manner in which each proposal relates to the Charter as a whole.

- i. After all proposals have been finally reviewed, those that are approved shall be submitted to the Committee on Submission and Information. The Committee on Submission and Information shall be responsible for proposing the form in which the proposed amendments are submitted to the electorate, provided that the Committee shall not be authorized to propose that the electorate must approve the amendments as one package. The Committee shall also be responsible for proposing and implementing a public education program to acquaint the electorate with the proposed amendments.

**RULE 5. COMMITTEES OF THE CHARTER COMMISSION; APPOINTMENT OF MEMBERS**

- a. The standing committees of the Commission shall be the:

- 1) Committee on Rules;
- 2) Committee on Style;
- 3) Committee on Submission and Information;
- 4) Committee on Budget; and
- 5) Committee on Personnel.

The members of the standing committees shall be appointed by the Chair.

- b. The Commission may create such special committees as it deems necessary. The members of the special committees shall be appointed by the Chair.

**RULE 6. FUNCTIONS AND DUTIES OF THE STANDING COMMITTEES**

- a. The Committee on Rules shall consider and report on such changes in the rules of the Commission and changes in its organization as shall be referred to it by the Commission from time to time.
- b. The Committee on Style shall:
  - Examine and correct the proposals which are referred to it and the statement of intent or purpose accompanying each

proposal for the purpose of avoiding inaccuracies, repetitions and inconsistencies;

- Draft in the same style as required for specifically worded proposals (Ramseyer drafting style), the correct and appropriate charter language for ideas or conceptual proposals which are referred to it;
- Arrange the proposed amendments in the proper order in the charter; and
- Report thereon to the Commission.

The Committee on Style shall have the authority to rephrase or reword, but shall have no authority to change the sense or purpose of any proposal or any statement of intent or purpose referred to it.

Where a proposal referred to the Committee on Style appears inconsistent with or in conflict with a proposal already acted upon favorably by the Commission, the Committee shall so notify the Commission and wait upon its instruction.

c. The Committee on Submission and Information shall:

- Consider and report to the Commission for its approval the method and manner of submitting the proposed amendments to the Charter to the people;
- Prepare and present to the Commission for its approval the plan or method of informing the people of the proposed amendments;
- Prepare and present to the Commission for its approval a report to the people outlining the results of the Commission's work;
- Make recommendations to the Commission on the Commission's calendar; and
- Perform such other duties and prepare such other reports as may be required by the instructions of the Commission.

d. The Committee on Budget shall:

- Prepare and present to the Commission for its approval a budget for the Commission for each fiscal year;

- Provide advice on fiscal matters, as requested, to the Chair, the Treasurer and the Commission;
- Review the reports prepared by the Treasurer pursuant to these rules; and
- Perform such other duties as may be assigned to it by the Commission.

e. The Committee on Personnel shall:

- Make recommendations to the Commission regarding the staffing needs of the Commission, including the recommended salary ranges for staff positions, subject to appropriation;
- Assist the Commission, to the extent requested, in the solicitation of qualified applicants for, and in the review of qualifications of applicants for, Commission staff positions;
- Provide, as requested by the Commission, evaluations of Commission staff, and recommendations on any personnel actions, including salary adjustments, proposed to be taken by the Commission regarding its staff; and
- Perform such other duties as may be assigned to it by the Commission.

## RULE 7. FUNCTIONS AND DUTIES OF THE SPECIAL COMMITTEES

A special committee of the Commission shall perform such functions and duties as may be required by the instructions of the Commission.

## RULE 8. TESTIMONY BY MEMBERS OF THE PUBLIC

Members of the public may address comments to the Commission at any public meeting of the Commission on matters relevant to the Commission's review of the Charter. Whether comments are relevant shall be determined by the Chair.

At the Commission's regular meetings, comments from members of the public shall be limited to five minutes but such time limit shall not include pertinent responses by the speaker to questions posed by the members of the Commission. Speakers shall be requested to submit two copies of their testimony to the Commission but the failure to provide testimony

shall not bar a person from speaking. A speaker's time may be limited to three minutes if, in the discretion of the Chair, such limitation is necessary to accommodate all persons desiring to address the Commission at that meeting.

Notwithstanding the above, at the Commission's public outreach meetings, testimony may be limited at the Chair's discretion to two minutes.

Those members of the public desiring to address comments to the Commission shall register with the secretary at the beginning of the meeting.

*[Rule 8 revised at Commission meeting held on 1/10/06]*

## RULE 9. OFFICERS OF THE COMMISSION

- a. The officers of the Commission shall be a Chair, Vice Chair, Secretary and Treasurer who shall be elected by the Commission.
- b. It shall be the duty of the Chair of the Commission:
  - 1) To preside at all meetings of the Commission;
  - 2) To receive all communications and present them promptly to the Commission;
  - 3) To authenticate by signature all acts of the Commission as may be required by law and to sign all instruments requiring execution or agreement by the Commission;
  - 4) To promptly refer all charter amendment proposals and other matters to the full Commission or to the appropriate committee or committees, subject to appeal. A list of all referrals and any subsequent changes in referrals shall be filed with the Secretary and be available for public review;
  - 5) To appoint members of committees in accordance with Rule 5;
  - 6) To preside at all permitted executive sessions of the Commission;
  - 7) To direct the preparation of the agenda for meetings of the Commission and to have the agenda posted and filed with

the Office of the City Clerk in accordance with Section 92-7, Hawaii Revised Statutes;

- 8) To supervise the staff of the Commission and preside over staff meetings;
- 9) To provide for the coordination of all administrative activities of the Commission and to see that they are honestly, efficiently, and lawfully conducted;
- 10) To serve as the chief spokesperson for the Commission before the public, the media, the State and federal governments, the City Council and the City Administration;
- 11) To appoint the Commission's Parliamentarian; and
- 12) To perform such other duties as may be required by law or as may properly pertain to the office.

c. It shall be the duty of the Vice Chair of the Commission:

- 1) To exercise all the duties and powers of the Chair in the Chair's absence;
- 2) To assist the Chair as needed; and
- 3) To perform such other duties as are prescribed by law or assigned by the Commission.

d. It shall be the duty of the Secretary of the Commission to:

- 1) Prepare the agenda for meetings of the Commission at the direction of the Chair and transmit the agenda to the Office of the City Clerk for posting in accordance with Section 92-7, Hawaii Revised Statutes;
- 2) Maintain a record of the agendas of the Commission and of its Committees;
- 3) Prepare accurate minutes of the meetings of the Commission and the Commission's various committees, and maintain files thereof, all in accordance with Section 92-9, Hawaii Revised Statutes;



- 4) Maintain a file of written disclosures made by Commission members pursuant to Rule 12 and file said disclosures with the Office of the City Clerk;
- 5) To number and maintain a record of all written charter amendment proposals, communications, testimonies and petitions brought before the Commission;
- 6) To maintain a current copy of the Rules of the Commission;
- 7) To maintain files containing all other written records of the Commission, including any personnel records and contracts of the Commission;
- 8) To receive and draft correspondence on behalf of the Commission;
- 9) To transmit the records of the Commission kept by the Secretary to the Municipal Reference and Records Center or other archive designated by the Corporation Counsel after the work of the Commission has been completed; and
- 10) To perform such other duties as are prescribed by law or assigned by the Commission.

e. It shall be the duty of the Treasurer of the Commission:

- 1) To maintain a record of all expenditures made on behalf of the Commission in order to ensure that all expenditures and financial obligations of the Commission are within appropriations made therefor;
- 2) To assist the Budget Committee;
- 3) To prepare a semi-annual report to the Commission;
- 4) To act as the Commission's liaison to the City Council on budgetary matters;
- 5) To transmit the records of the Commission kept by the Treasurer to the Municipal Reference and Records Center or other archive designated by the Corporation Counsel after the work of the Commission has been completed; and

- 6) To perform such other duties prescribed by law or assigned by the Commission.
- f. Any officer may delegate, by administrative directive, any of the administrative duties assigned to the officer under these rules to another Commission member or to a member of the Commission staff, provided that the officer shall take reasonable measures to ensure that any delegated duties are being faithfully performed.

#### RULE 10. PARLIAMENTARIAN

The Chair of the Commission shall appoint a Parliamentarian. A member serving as Parliamentarian retains all Charter Commission debate and voting privileges. It shall be the duty of the Parliamentarian:

- a. To advise the Chair on matters of parliamentary procedures and the Commission's Rules; and
- b. To perform any other duties assigned to him or her by the Chair or the Chair Pro Tempore.

#### RULE 11. PARLIAMENTARY AUTHORITY

Meetings shall be conducted in accordance with the procedures established in these Rules. On all matters of procedure not addressed in these Rules, the Commission may refer to *Robert's Rules of Order, Newly Revised (10<sup>th</sup> Edition)*, for guidance in developing procedures for the conduct of Commission meetings.

#### RULE 12. DISCLOSURE OF INTEREST

Written Disclosure. Whenever a member of the Commission possesses or acquires such interests as might reasonably tend to create a conflict with the public interest, the member shall make full disclosure in writing to the Commission. Such disclosures shall be a matter of public record and filed with the Secretary and the Office of the City Clerk.

#### RULE 13. SUSPENSION OF THE RULES

Unless superseded or prohibited by state or city law, these Rules may be suspended by the affirmative vote of two-thirds of the entire membership of the Commission.

PROPOSAL NO. \_\_\_\_\_

2005-06 HONOLULU CHARTER COMMISSION

1. Provide a brief description of the purpose of the proposed charter amendment; include a description of the problem the proposal would address and how the proposal would address the problem:

2. If applicable, list the charter provision(s) proposed to be deleted or amended:

3. If the proposal is based on a provision or provisions in the charter or law of another jurisdiction, name the jurisdiction and, if possible, attach a copy of the relevant provision(s).

4. If the proposal is based on any written materials you have, please attach a copy with a citation to its source.

See reverse of this form

5. Attach the text of the proposed charter amendment in Ramseyer format (see below).

Ramseyer Format:

If proposing an amendment to existing Charter provisions, indicate, by underscoring, any language being proposed to be added to the Charter and indicate, by bracketing, any language being proposed to be deleted from the Charter.

If proposing to replace existing Charter provisions in their entirety, clearly indicate the article(s), chapter(s) and/or section(s) of the Charter proposed to be deleted, and provide the text of any provisions proposed to replace the deleted material.

If proposing new Charter material only, provide the text of the new provision(s) and, if possible, indicate where in the Charter the new material should be inserted.